IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 656(S/S)2006

Nalin Kumar Srivastava S/o Ram Prasad Srivastava,
Assistant Accountant in the office of
Assistant Director, Jalagam (Agriculture),
Rudrapur, Udham Singh Nagar. ---- Petitioner.

Vs.

1. State of Uttarakhand through Secretary Agriculture, Department, Govt. of Uttarakhand, Dehradun,
2. Director of Agriculture, Uttarakhand, Dehradun,
3. Addl. Director of Agriculture, (Head Quarter), Uttarakhand, Dehradun,
4. Director of Agriculture, Krishi Bhawan, Lucknow, U.P. ----Respondents.

Sri Manoj Tewari, learned counsel for the petitioner,
Sri Paresh Tripathi, learned Standing Counsel for State of Uttarakhand/respondent nos. 1 to 4,

Hon'ble **M.M. Ghildiyal, J.**

Heard Sri Manoj Tewari, learned counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for State of Uttarakhand/respondent nos. 1 to 4.

By means of this writ petition, the petitioners have prayed for the following reliefs:-

a. To issue a writ, order or direction in the nature of mandamus commanding the respondent no. 3 to give due place in the seniority list of Assistant Accountants to the petitioner from the date of his initial appointment on the said post in view of the law laid down by the Apex Court,

b. To issue a writ, order or direction in the nature of mandamus commanding the respondents to grant all consequently benefits including promotion to the

petitioner within a time limit to be specified by this Hon'ble Court,

c. To issue a writ, order or direction in the nature of mandamus commanding respondent no. 3 to regularize services of the petitioner on the post of Assistant Accountant from 11.08.1996 when persons junior to the petitioner were regularized on the said post,

d. To issue any other writ, order or direction, which his Hon'ble Court may deem fit and proper in the circumstance of the case,

e. Award the cost of the writ petition in favour of the petitioner.

During course of arguments, learned counsel for the petitioner has prayed that he does not intend to press the relief clause 'c' sought in the prayer clause of the writ petition, therefore the same may be treated as deleted.

Allowed. Let the prayer clause 'c' be deleted from the relief clause.

So far the other prayers, by which the petitioner has prayed that a writ of mandamus commanding the respondent no. 3 to give due place in the seniority list of Assistant Accountants to the petitioner from the date of his initial appointment on the said post in view of the law laid down by the Apex Court and to grant consequential benefit including promotion to the petitioner, are concerned, the petitioner has submitted that directions may be issued to the authority concerned to take decision on the representation of the petitioner within the period prescribed by this Court.

Accordingly, the petitioner is permitted to move representation for redressal of his grievances before the competent authority i.e. the Director of Agriculture/respondent no. 2 and it is expected from the authority concerned that, in case, the petitioner moves representation, he will take decision on the same within a period of four weeks from the date of production of a certified copy of this order alongwith the representation.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 26, 2007:
NCM: